

## United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/666,140	09/20/2000	Joseph G. Barrett	06975-131001	5787	
26171 7	590 10/11/2005		EXAMINER		
	FISH & RICHARDSON P.C.			NGUYEN, VAN KIM T	
P.O. BOX 1022 MINNEAPOL	2 IS, MN 55440-1022		ART UNIT	PAPER NUMBER	
	,		2151		
			DATE MAILED: 10/11/2005	5 .	

Please find below and/or attached an Office communication concerning this application or proceeding.

closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-37 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121. 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c)  None of: 1.  Certified copies of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	$\mathcal{H}$	1						
Examiner    Van Kim T, Nguyen   2151			Application No.	Applicant(s)				
Van Kim T. Nguyen	Office Action Summary		09/666,140	BARRETT ET AL.				
The MAILNG DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILNIG DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.13(e). In or event, however, may a reply be timely field after SIX (6) MONTHS from the making idea of this communication.  Failutes for poly within the act or extended period for reply with by father cause the application to become ABANDANDE (33 U.S. C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely field, may reduce any examed patient them adjustment. Sar 37 CFR 1.704(s).  Status  1) ☑ Responsive to communication(s) filled on 18 July 2005.  2a) ☐ This action is FINAL.  2b) ☑ This action is fixed and the produce except for formal matters, prosecution as to the merits closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-37 is/are pending in the application.  4) ② Claim(s) 1-37 is/are pending in the application.  5) ☐ Claim(s) 1-37 is/are rejected.  7) ☐ Claim(s) 1-37 is/are rejected to.  8) ☐ Claim(s) 1-37 is/are rejected to.  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 1/2 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121.  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All			Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of this may be available under the provisions of 37 CFR 1.13(8). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 18 July 2005.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-37 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to by the Examiner.  10) □ The precification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1□ □ Certified copies of the priority documents have been received.  2□ Certified copies of the priority documents have been received in this Na	The MAILING DA Period for Reply	TE of this communication app	ears on the cover sheet with the c	orrespondence address				
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Paper No(s)/Mail Date 6)  Other:			6) [_] Other:					

## **DETAILED ACTION**

This Office Action is responsive to communications filed on July 18, 2005.
 Claims 1-37 are pending.

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new grounds of rejection.

## Information Disclosure Statement

2. The information disclosure statement (DS) submitted on July 18, 2005 was received and considered by the examiner.

## Claim Rejections - 35 USC § 102

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No. 6,662,230), hereinaûer Eichstaedt.

Regarding claims 1, 2, 13-16, 23-26, and 34-35, as shown in Figures 1-6, Eichstaedt discloses:

monitoring a computer system for connection transactions between multiple requestors (12, 14, 16) and multiple access providers (18, 20) using a switching component (22, 11) connected to the multiple access providers (col. 5: lines 32-39; and col. 11: lines 62-67);

denying access by an attacking access requestor (16) to the access providers (18) when a number of connection transactions initiated by the attacking access requestor (e.g., request

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values) through the switching component (11) exceeds a configurable threshold number (e.g., maximum request values) during a first configurable period of time (col. 6: lines 43-61; and col. 12: lines 3-20).

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Regarding claims 3-4 and 6-7, Eichstaedt also discloses the monitoring further includes counting and comparing the number of connection transactions initiated by the access requestors (e.g., request values) through the switching component (11) during the first configurable period of time (t<sub>1</sub>) to the configurable threshold (e.g., a comparison between the calculated request values and a predefined maximum value is made; col. 7: lines 5-10 and lines 21-49).

Regarding claims 5, 8-9, 18-19, and 28-29, Eichstaedt also discloses the monitoring includes detecting connection transactions between multiple Internet protocol addresses and the access providers with the switching components (col. 5: lines 32-39; and col. 7: lines 23-49).

Regarding claims 17 and 27, the aforementioned claims contain similar limitations to those limitations of claims 1 and 3-4 therefore the same grounds of rejection is applicable.

Regarding claims 10-12, 20-22, and 30-33, Eichstaedt discloses that the denying of access includes denying access to the access providers through the switching component (11) by the attacking access requestor (16) for a second configurable period of time (t<sub>i</sub>) after detecting a most recent connection transaction initiated by the attacking requestor through the switching component (col. 4: lines 12-17; and col. 7: lines 31-49).

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Regarding claims 36, Eichstaedt also discloses a host computer system (21) receives

communication from the switching component.

Regarding claims 37, Eichstaedt also discloses the switching system (11) is included in a

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host system (21).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen

Examiner

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SUPERVISORY PATENT EXAMINER

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